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EXAMINER	
YOUNG, JANELLE N	
ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,627	KOBYLARZ, THADDEUS JOHN	
	Examiner	Art Unit	
	Janelle N. Young	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,7 and 9-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7 and 9-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's amended with respect to the rejection(s) of claim(s) 1, under 35 U.S.C. 103(a) as being unpatentable over by Dupray (US Pub 2004/0198386) and further in view of Neumann et al. (US Pub 2002/0141441) doesn't explicitly teach limitation e of claim 1. Therefore, the final rejection of Office Action September 18, 2007 has been withdrawn.

Applicant's arguments that a builder is different from a user have been fully considered but they are not persuasive. Contrary to applicant's arguments, the applicant's abstract states: "The activity of combining these individual services can be performed by a wireless communication user/subscriber, or a wireless communication service provider, or a wireless communication equipment supplier, or a wireless communication equipment manufacture, etc." and also discloses that a builder can be either a wireless mobile communication user/subscriber or service provider in claim 6 and in the specification, page 6, lines 3-9. Therefore, there is no difference between a builder and a user, the terms are interchangeable. The examiner is interpreting a user as a builder.

Upon further consideration, a new ground(s) of rejection is made in view of Dupray (US Pub 2004/0198386) and further in view of Dove et al. (US Pub 2003/0035004).

Response to Amendment

Claim Objections

2. Claim 1 is objected to because of the following informalities: The phrase "image (icon)" should be rewritten to read "image or icon". Appropriate correction is required.

Claim 10 is objected to because of the following informalities: The phrase "announcing (playing)" should be rewritten to read "announcing or playing". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. "Vehicular route assistance" is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). On Page 3, lines 10-22 of specification, this particular feature was considered essential by the applicant, is not reflected in the claims which are rejected.

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. "Location service", "Travel route computation", and "Traffic information retrieval" are critical or essential to the practice of the invention, but

not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). On Page 3, line 14-PAge 4, line 7 of specification, this particular feature was considered essential by the applicant, is not reflected in the claims which are rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding claim 1, the word "means" is preceded by the word(s) "by" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

6. Claim 2 recites the limitation "the said method". There is insufficient antecedent basis for this limitation in the claim. The phrase should read “a process”, because there is no previous mentioning of a method.

7. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, the phrase “may have” renders the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 10 recites the limitation "the method of". There is insufficient antecedent basis for this limitation in the claim. The phrase should read "the process of", because the antecedent claims discuss a process.

9. Claim 12 recites the limitation "into said geometric elements". There is insufficient antecedent basis for this limitation in the claim. The phrase should read "into a geometric element", if this is the first mentioning of "geometric elements".

10. Regarding claims 1, 6, 9, 11, and 13, the phrase "a said" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are being mentioned for the first time or if the limitation(s) following the phrase are being restated.

11. Claims 9 and 11-13 recite the limitation "the improvements of". There is insufficient antecedent basis for this limitation in the claim. The phrase should read "the process of", because the antecedent claims discuss a process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-4, 6-7, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Dupray (US Pub 2004/0198386) and further in view of Dove et al. (US Pub 2003/0035004).

As for claim 1, Dupray teaches a process which of combining services to build a wireless mobile communication service by means of a graphical user interface (GUI) (Page 16-17, Para 0169 and Page 49, Para 00564 of Dupray)., wherein:

a built wireless mobile communication service, termed herein compound wireless mobile communication service (CWS), consists of component services and a compiled said CWS is enacted as a sequence of the said combined services. by a mobile station (MS) or executed by a mechanism used to communicate to said MS, whereby the following building steps comprise a unique and a novel software process to build a said CWS: (Page 1, Para 0002; Page 14, Para 0154; Page 15, Para 0155, 0158 & 0160; and Page 16, Para 0165 of Dupray).

What Dupray does not explicitly teach is a builder selects a component service from a menu and drags an image (icon) of the selected said component service to a build area of a computer screen used for building said CWS .

However, Dove et al. teaches a process which of combining services to build a wireless mobile communication service by means of a graphical user interface (GUI) (Abstract and Page 2, Para 0017- Page 3, Para 0020 of Dove et al.), wherein

a) A builder selects a component service from a menu and drags an image (icon) of the selected said component service to a build area of

a computer screen used for building said CWS (Abstract; Page 2, Para 0017- Page 3, Para 0020; and Page 8, of Dove et al.).

b) After the builder locates the said component service icon in the said build area for building a said CWS, for those component services having parameters, a compiler displays a window containing the said component service's parameter names and default values for these parameters (Page 5, Para 0056 & 0058-0059 of Dove et al.).;

c) The said CWS builder is now permitted by the said compiler to substitute new parameter names and to change default parameter values to represent initial condition values for the parameters when the said compiled CWS begins its execution (Page 2, Para 0013 and Page 5, Para 0059 with respect to Page 1, Para 0009 and Page 2, Para 0012 of Dove et al.);

d) After completion of the preceding step, the said compiler's window disappears and a graphical icon representation of the said component service remains containing the said CWS builder's decided parameter names, along with a window of the said CWS builder's decided parameters' initial condition values (Page 5, Para 0057 of Dove et al.);

e) If the said CWS is to contain another said component service, steps a), b), c), and d) are iterated such that for more than one said component service, the builder identifies the sequence of said component service executions by selecting an arrowed line icon from a menu and

dragging the icon line to interconnect a pair of said component services such that the tail of the arrowed line begins at the antecedent said component service icon and the arrow head terminates on the succeeding said component service icon (Page 1, Para 0009-Page 2, Para 0012; Page 2, Para 0018; Page 5, Para 0055; and Page 7, Para 0089 of Dove et al.)

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate the graphical program to a pda device, as taught by Dove et al., in the applications for a wireless location gateway of Dupray, because Dupray already teaches "always accessible" capability may be presented at the user's wireless mobile station via a graphical user interface such that a proactive intelligent collection of applications wherein such applications may function (Page 16-17, Para 0169 and Page 49, Para 00564 of Dupray).

The motivation of this combination would improve both real and perceived system performance, accommodates increased levels of application functionality, and enables increased levels of customer acceptance. The combination would greatly improve the way graphical programs may be initially represented as a plurality of data structures that define or specify the operation of the respective graphical programs, and conversion software program may operate to access these data structures from memory and convert the data structures to an executable format suitable for the portable computing device. The executable may be transferred to the portable computing device for execution (Abstract of Dove et al.).

As for claim 2, Dove et al. teaches a process, further comprising:

a combination of fundamental wireless mobile communication services (fundamental wireless mobile communication services (FWS):

wherein the said FWS are basic component; which reads on claimed elementary component, services, representing building block services, that are produced by conventional coding via a suitable software language, and these said FWS are considered by the said method to be single services; meaning that the said FWS represent the bases for all said CWS. (Page 1, Para 0010; Page 3, Para 0022; and Page 7, Para 0083-0085 of Dove et al.).

As for claim 3, Dove et al. teaches a process, further comprising:

said component services that themselves are a combination of services built by the process of claim 1, signifying that the process of claim 1 permits a builder to apply recursion of said CWS when building a said CWS. (Page 7, Para 0077 of Dove et al.).

As for claim 4, Dove et al. teaches a process, further comprising:

said component services that are built from a combination of said fundamental wireless mobile communication services and a combination of said

compound services (Fig. 10; Page 6, Para 0108 & 0111; and Page 11, Para 0144 of Dove et al.).

As for claim 5, Cancelled

As for claim 6, Dove et al. teaches a process, wherein: a said CWS compound may have as its builder one or more of the following independent and disparate parties without the necessity of preliminary negotiations among these parties:

wireless mobile communication subscribers/users (Page 2, Para 0018; Page 12, Para 0139; Page 14, Para 0154; and Page 53, Para 0634-0635of Dove et al.);

wireless mobile communication service providers (Page 7, Para 0088 with respect to Page 8, Para 0091-0097of Dove et al.);

wireless mobile communication equipment suppliers/manufacturers (Page 2, Para 0012 with respect to Page 8, Para 0091-0097 of Dove et al.);

computer software suppliers/manufacturers (Page 2, Para 0014 with respect to Page 8, Para 0091-0097 of Dove et al.);

third party applications/services providers (Page 6, Para 0066 &0072ge 7, Para 0083 with respect to Page 8, Para 0091-0097 of Dove et al.).

As for claim 7, Dove et al. teaches a process, wherein the following methods apply:

a) building said CWS using computer facilities and then compiling and downloading said CWS into said MS (Page 7, Para 0076- 0077 of Dove et al.);

b) using said the computer facilities to select graphical and/or textual images that represent said component services to build said CWS where said component services are represented by named operational or functional expressions that can contain dependent parameters and/or independent parameters (Page 2, Para 0018 and Page 5, Para 0055 of Dove et al.);

c) using said computer facilities to request "help" to explain and clarify the application and use of a selected graphical and/or textual image (Page 9, Para 0103 in respect to Page 11, Para 0124-0131; Page 12, Para 0139; and Page 60, Para 0678of Dove et al.).

As for claim 8, Cancelled

As for claim 9, Dove et al. teaches a process, wherein further improvements comprise:

a said MS that contains the said GUI and the said compiler build said CWS (Page 2, Para 0011 and Page 5, Para 0057-0058 of Dove et al.).

As for claim 10, Dove et al. teaches a process, wherein: facility services provide one or more of the following operations as component service in said CWSs:

a) Cartesian product of the real numbers; which reads on claimed arithmetic functions (Page 7, Para 0083 and Page 8, Para 0009-0100 of Dove et al.);

b) assigning values, equality determination, and inequality determination (Page 8, Para 0099 -Page 9, Para 0103 of Dove et al.);

c) conditioning the execution of said component service on an event determination (Page 8, Para 0009-0100 of Dove et al.);

f) pausing the execution of said CWS (Page 5, Para 0054-0055 of Dove et al.);

g) branching on a condition (Page 12, Para 0135; Page 25, Para 0284; Page 25, table LH-1; and Page 30, Para 0338-0341of Dove et al.);

h) displaying a parameter and i) announcing (playing) an audible parameter a value (Page 5, Para 0053-0056; Page 6, Para 0066-0067; and Page 7, Para 0085 of Dove et al.);

j) invoking said CWS (Page 3, Para 0028 of Dove et al.); and

k) evaluating a service constraint (Page 14, Para 0154; Page 19-20, Para 0223-0224; Page 57, Para 0665; and 61, Para 0687 in correspondence with Page 59, Para 0672; Page 60, Para 0677-0678 of Dove et al.).

As for claim 11, Dove et al. teaches a process wherein further improvements comprise: menu and a compiler to use:

any of the fundamental wireless mobile communication services made available by source identified in claim 6 as a said component service to build said CWS. (Page 8, Para 0092-0097 of Dove et al.);

As for claim 12, Dove et al. teaches a process, further comprising:

a menu of special capabilities that achieve the following:

a) drawing lines with arrowheads that manifests the execution sequence of said component services (Page 2, Para 0018 of Dove et al.);

b) entering alphanumeric characters into said geometric elements when building a said CWS (Page 5, Para 0057 of Dove et al.); and

c) drawing geometric elements as rectangles; and diamonds, ellipses when building a said CWS (Page 2, Para 0018 of Dove et al.).

As for claim 13, Dove et al. teaches a process, inclusively, further comprising: a menu for:

a) testing a built said CWS for proper performance (Page 1, Para 0006; Page 2, Para 0014; and Page 6, Para 0066 of Dove et al.);

b) assigning an operational or functional expression to said CWS (Page 2, Para 0017-Page 3, Para 0021 of Dove et al.);

c) recording and storing a voice message as a value to be used in the said facility service that audibly announces comments (Page 5, Para 0053-0056; Page 6, Para 0066-0067; and Page 7, Para 0085 of Dove et al.);

d) adding a said CWS operational or functional expression to the repertoire of component services for use to build other said CWS (Page 3, Para 0020-0022 of Dove et al.);

e) saving a built said CWS in specified memory location (Page 3, Para 0020-0022 of Dove et al.);

f) copying a selected group of said component services into a temporary memory (Page 3, Para 0020-0022 of Dove et al.);

g) undoing changes made while building a said CWS (Page 3, Para 0020-0022 of Dove et al.);

h) opening a said CWS display of interconnected said component services and i) opening any menu used to build a said CWS (Page 3, Para 0019-0022 of Dove et al.); and

j) selecting line widths of geometric shapes in a displayed said CWS (Page 5, Para 0055-0059 of Dove et al.).

As for Claim 14, Cancelled.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kodosky et al. (US Patent 6219628) teaches a system and method for configuring an instrument to perform measurement functions, wherein the instrument

includes a programmable hardware element. A graphical program is first created, wherein the graphical program implements a measurement function. The graphical program may include a front panel and a block diagram. The method then generates a hardware description based on at least a portion of the graphical program. The hardware description describes a hardware implementation of the at least a portion of the graphical program. The method then configures the programmable hardware element in the instrument utilizing the hardware description to produce a configured hardware element. The configured hardware element thus implements a hardware implementation of the at least a portion of the graphical program. The instrument then acquires a signal from an external source, and the programmable hardware element in the instrument executes to perform the measurement function on the signal. The front panel may be used by a user to control the instrument during the measurement.

Moore (US Patent 6377210) teaches an automatic mobile object locator apparatus and method provides position information and map data to user terminal equipment through a data communication network, such as the internet. A GPS receiver in mobile equipment attached to a vehicle which obtains global position information of vehicle which is transmitted through a communication network, including at least a wireless network portion, to a processor unit. The vehicle position information for like vehicles associated with one customer is stored in a customer specific database. Map data and position information are transmitted through the data network between the processor unit and user terminal equipment wherein a selected map and the location of a selected vehicle(s) are coupled and displayed to the user.

Dove et al. (US Pub 2004/0150667) teaches a graphical program may be created and configured to perform wireless communication. The user may include one or more wireless communication nodes provided by the graphical programming development environment in the graphical program. The wireless communication nodes may be operable to wirelessly send data to a remote computer system and/or may be operable to receive data sent wirelessly from the remote computer system. The graphical program may then be executed to perform the wireless communication.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
November 15, 2007

NAY MAUNG
SUPERVISORY PATENT EXAMINER